

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability
Litigation,

No. MDL15-2641-PHX-DGC

ORDER

The Court has reviewed the parties' memorandum and exhibits regarding settlement (Tracks 1 and 2) and non-settlement (Track 3) cases. Doc. 19445. The Court will require the parties to revise some of the exhibits so the information they contain is more usable by the Court for remand and transfer. The parties shall file the revised exhibits by **July 26, 2019**.

1. Exhibit A – Track 1 Cases (Doc. 19445-1): The parties shall add a column to this exhibit indicating which of the Track 1 cases listed in the exhibit are direct-filed cases for which no federal jurisdiction is proper. *See* Exhibit J (Doc. 19445-10). After adding this column, the chart shall be sorted by venue instead of alphabetically by case name. Within each venue – each district – the cases may be listed alphabetically.

2. Exhibit B – Track 2 Cases (Doc. 19445-2): The parties shall add a column indicating which of the Track 2 cases are direct-filed cases for which no federal jurisdiction is proper. The new chart shall be sorted by venue as described above.

1 3. Exhibits C and D – Track 3 Transferred Cases (Docs. 19445-3, -4): The
2 parties shall combine these exhibits into a single document and sort the Track 3 transferred
3 cases by venue as described above.

4 4. Exhibit E – Track 3 Direct-Filed Cases with Agreed-Upon Venue
5 (Doc. 19445-5): The parties shall sort this exhibit by the venues listed in the short-form
6 complaints, as described above.

7 5. Exhibit F – Track 3 Direct-Filed Cases Where the Parties Do Not Agree to
8 the Venue Identified in the Short Form Complaints (Doc. 19454-1): This exhibit presently
9 includes columns for the parties’ proposed venues. To the extent any venue proposed by
10 Plaintiffs differs from a venue identified in a short form complaint, a column should be
11 added identifying the short form complaint venues and the chart should be sorted by those
12 venues, as described above. If all of Plaintiffs’ proposed venues are the ones identified in
13 the short form complaints, the new column is not necessary, but the chart should still be
14 sorted by short form complaint venues. Additionally, the parties shall briefly explain in
15 two separate columns the bases for their proposed venue for each case. The explanations
16 contained in these two new columns shall be limited to no more than 50 words using
17 13-point font.

18 6. Exhibit G – Track 3 Direct-Filed Cases Which Have Not Been Served on
19 Defendants (Doc. 19445-7): The parties shall add a column listing the venues in the short
20 form complaints. The parties shall then sort the new chart to create two complete versions
21 of the chart: one by the dates the complaints were filed, and the second by the venues
22 identified in the short form complaints. Additionally, Defendants shall state in a new
23 column the bases for asserting that the cases have not been served and a proposal for how
24 each case should be handled.¹

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28 ¹ Defendants state generally in the memorandum that the cases should be handled pursuant
to Rule 4(m) (Doc. 19445 at 8), but that rule allows for dismissal after notice to the plaintiff
or an extension of time to serve.

